THE GALPHIN CLAIM.

SPEECH

OF

HON. JAMES G. KING, OF NEW JERSEY,

1791 – 1853

IN THE HOUSE OF REPRESENTATIVES, JULY 3*d*, and 5*th*, 1850.

On the Report of the Select Committee upon the conduct of the Secretary of War in connection with the Galphin Claim.

Mr. KING said:

The duty assigned to the select committee in accordance with the request contained in the letter of the Secretary of War, was at first, to inquire into his conduct and relation to the Galphin claim; subsequently, and upon the application of the committee to the House for directions in their investigation, their duty was much enlarged and essentially changed. After a series of laborious sittings, they came to their conclusion in the following remarkable manner:

A majority of the committee, composed of members of both political parties, were found to consent to "*a statement of facts.*" Indeed, I may say, the whole committee seemed unanimous, with the exception of partial objections from three gentlemen, who differed upon some points, yet without designating precisely what those points were. This statement of facts is all that the committee have been able to agree upon, except the three resolutions as appended to the statement. Whatever else was reported has been in disjointed statements from various members of the committee, without a majority for either of them; and hence called minority reports. The four Whig members agreed upon one of these, three of the Democratic members agreed upon another, and two of them upon a third one; and this is the result of the labors of the select committee, after protracted sessions during several weeks.

The reference of a subject of this sort to a committee composed as this was, or as any other committee of this House could probably be, was likely to lead to difficulties in framing a report, inasmuch as the points referred were mainly questions of law, and really not proper subjects of reference to such a tribunal. When the committee, as they were likely to be, and as they soon were, became lost in the mazes of the law, they remained true to the instincts of party, and came to the conclusions which have been spread under those divisions, before this House. Those conclusions tend to show the futility of the reference of such matters to a committee, inasmuch as it is, thus necessarily, constituted a court of appeal, and of final jurisdiction. Another objection is, that such a court is unknown to the laws and to the Constitution, and only tends to bring confusion into the system. Therefore the attempt to set up a committee of this House for the revision of the opinions of high officers of this Government upon intricate questions of law—those officers themselves above legal appeals, and not liable for errors, and only for *malfeasance*, the trial of which is by impeachment—I say such attempt must be without result, and, therefore, highly inexpedient. Indeed, such action cannot prove otherwise than a complete nullity; and the discussion which has followed and has been going on here, is also a proceeding from which no good is likely to come. I regret to say that, with few exceptions, the considerations which distracted the committee will lead the members of this House to similar results, and there will be nothing accomplished in the way of a right decision of the questions that have been submitted; but so far as I can see, there will be simply, and with few exceptions, an array of political partisans, on one side and on the other. In regard to the first duty of the committee, which was to inquire into the conduct of the Secretary of War in relation to this claim, the committee came to a clear and precise conclusion.

The report of the majority states that they have not been able to discover any evidence that Governor Crawford ever availed himself of his official position, or of the social relations it established between himself and the other members of the Cabinet, to influence the favorable determination of this claim. It is also evident, from the testimony of Mr. Secretary Walker, that Governor Crawford and his friends had done all in his and their power, to bring about a decision, whilst the last Administration was in office—a clear evidence, be it remarked, of Governor Crawford's desire to let the claim stand and be decided upon its *naked merits*, and that, too, by a political opponent. With these remarks, I leave this branch of the subject, and proceed to matters of more intricate consideration.

With respect to the claim itself, I confess that when it was first brought to my notice, which was upon reading Comptroller Whittlesey's report, I was led to believe, that the interest should not have been allowed, chiefly because of the rule alleged that the Government did not pay interest. I felt, rather than reasoned, that it was a very long period for the allowance of interest, and that if this was a claim against the United States as such, it should have been sooner presented in order that it might have been sooner allowed. The inference against allowing interest was strong, and with those prejudices which naturally arose against it, I set to work to see if I could, by any process of reasoning, support the opinion I had thus hastily formed; and I will state,

with the utmost frankness, that my mind has been by development of the facts, gradually but clearly brought to the opposite conclusion, and that all the arguments which justice and fair dealing approve, are in favor of allowing the payment of interest as well as of principal, and this because I do not find the assumed rule of the Government's exemption from paying interest, to be well founded. In regard to the claim itself, I take it that when Congress passed the act of 1848 they knew what they were about; it is not for us to stultify them. And if they knew what they were about they declared that the claim of George Galphin, under the treaty of 1773, made between Great Britain and the Indians, should be examined and adjusted by the Secretary of the Treasury, and what was found due should be paid. Any other conclusion with regard to that law, would not, in the view which I take, be consistent with justice, equity, and common sense. All the officers connected with the various departments, whom the Committee had before them, admitted that the law required that the claim when examined and found to be correct should be paid, and that the Government was bound to pay principal and interest, if both were found by competent authority properly due; and no one of those officers seemed to think it needful to recur to Congress for more power—all that was usual and necessary having been already conferred—and the needful appropriation also contained in the act of 1848.

The questions raised are by no means simple ones, or there could not be so many differing opinions in regard to them. The case is made up of mixed matters, some of them exceedingly simple and easily understood, and others dependent upon constructions of law and careful examination of facts, and it required great patience and energy of purpose for the proper consideration of all these matters in order to a proper separation of the elements, in order to arrive at such a conclusion as might meet the approval of men of fair and reasonable minds.

In the first place, it may be stated as a matter of doubt, whether the claim originally was a clear and undeniable and legal one against the United States under the compact of 1802, or otherwise; yet if it were not so at the commencement, it might have become so, equitably at least, from subsequent events. If supposed to be a legal claim against the United States, originally, it would not have been described as it was in the law. It was there designated in such a manner as to show that it was understood to be a claim against Georgia. Yet a claim originally against Georgia, may be, or become a claim against the United States. It seems clear to me that this had become a claim against the United States, though previously against Georgia, because Georgia had ceded part of the lands for the benefit of the United States, as well as to her own soldiers, and to the defence of her own soil. If Georgia refused to pay the claim, that was no reason why the United States, who derived that benefit from the lands, should not pay it. If Georgia, for reasons of her own, chose to defer payment, the United States had a right to step in and pay the debt, as they in the end would be liable, and as they have heretofore done in similar cases, as I shall show presently in regard to the State of Virginia. The claim against Georgia was acknowledged by her own act of 1780. Galphin could not avail himself of that law, for he was no longer living, having died about this time, after a long life spent in an arduous and dangerous career, in the service of Georgia and thereby of the United States. To his representatives was left the prosecution of his demands upon his country.

When an effort was made afterwards by the parties interested to avail themselves of that enactment of Georgia in 1780, reasons were found which prevented their demands from being acceded to; but there never was any doubt entertained—there was never any *fiat* issued against the claim of Galphin, nor was there ever any doubt that it was a substantial and just demand against the lands, or Georgia, or the United States. To say that it is no just demand at all, is to deny the history of the period in which it arose. It was a good claim against some responsible debtor, and Georgia had affirmed it in 1780, and the United States adopted it in 1848. Frequent applications were at various intervals of time made to the Legislature of Georgia, but as she had never passed a law similar to that of the State of Virginia, allowing suits to be brought against her to recover revolutionary claims, she continued to refuse these applications. If she had by law authorized the Galphin claimants to be heard in her courts, they would have obtained payment long ago, in like manner as the Virginia claimants. But Georgia reserved the law in her own hands. I do not mean to say that the United States would, without this act of 1848, have been bound to pay the claim of Galphin, if Georgia had good ground to refuse it. But the claim being a good claim against Georgia, and Georgia having neglected or refused to pay it, the United States were justified in paying it, for they had, as already stated, through their continental troops derived a valuable consideration, and incurred a clear responsibility. It is said that Galphin endeavored to get payment in other places than in Georgia and the United States. I ask, where is the man who has a claim for some fifty thousand dollars, with interest for so long a time, who would not knock at every door where he had the least expectation that he might be paid? After being refused payment by Georgia, the fact that it was asked for in England forms no sort of difficulty in the case.

Yet there is another explanation of this attempt to obtain payment in Great Britain. The representatives of Galphin were induced to take this step by the fact, that those who had similar claims had received payment from a similar source.

The merchants who had trusted Galphin and other traders, urged them to come forward and lay their claims before the British Government, and to ask for payment under the provisions of the treaty of 1773, as thereby the land had been ceded to the Crown of Great Britain in trust, to sell and pay over avails to the traders, especially as the money, if paid, was to go into the hands of its own subjects. And the hope was, that the Crown would pay the debt. And this was not a bad calculation, for the most of similar claims had been so paid—all that was due to the other traders had been allowed by Great Britain, and the avails passed into the hands of the English creditors of those Indian traders. These traders had trusted the Indians, the merchants had trusted the traders, and when the money was obtained the merchants

received it. This was the inducement for the heirs of Galphin to make application in England; but what was the answer they received? Gentlemen have said that Galphin was a Tory, or worse—"a Cow-boy," hanging on to the skirts of the armies of the belligerents, and that thus acting between the two countries he made profitable speculations, and turned his time and talents to good account. A fouler libel never was cast upon the memory of any man, and it only shows the pertinacity with which this case has been resisted, to hear such a declaration made in opposition to the evidence that has been placed before the committee and this House. Galphin was a true Whig, and because he was a Whig his creditors could not get their pay in England. The British Government paid all the Tories, but they had no money for the Whigs; and by the rule sought to be established by our opponents, our Government would not be allowed to sympathize with a Whig either, but as England did, send him empty away. What was the consequence? Why, those very English creditors of Galphin sent their suits to this country, prosecuted them against his estate, recovered judgment, and levied execution upon his property; and the result was, that the whole of his beautiful domain, called "Silver Bluff," was sold by the sheriff to satisfy those debts. This constitutes—as all must admit—a case of extreme hardship. A man who had done great service to his country during life—had made successful exertions for the protection of his State from the ravages of the Indians—who had in this career encumbered his estates with debts, under which they were finally sold by the sheriff, and lost to him and to his family—a Whig, through whom a large tract of fertile land had passed into the possession of Georgia, after all, and in his last hours, finds himself without house or home, or property! Let another important fact be stated, showing Galphin's power and effective use of it. This tract of millions of acres of fertile land was by his exertions preserved from being overrun by the British army. The foot of any enemy was not during the whole war allowed to rest upon that soil. The flag of England was never permitted to be unfurled there, whilst all the rest of the State was overrun and possessed by the soldiery of England. After those exertions and sacrifices in behalf of his country, to complete the climax, his heirs were, for three quarters of a century, left to beg in vain for the justice to which their ancestor was so fully entitled. This is indeed a cruel picture of aggravated wrongs heaped upon a patriot's head while living, and upon his grave when dead; and it forms a touching plea for a generous consideration of the whole case. Yet it is urged upon this House not only to withhold generosity, but to deny justice. This is almost incredible, and nothing can be conceived, if such a decision should prevail, less honorable to the character of the country. I am sure the people of the United States will not ratify so harsh and unjust a decree.

There is another circumstance connected with the history of this claim that has not been adverted to. I find it stated in the report made by the Hon. Mr. Wise, in 1837-8. It was a proposition made on the part of those same London merchants, who feared that Georgia might not agree to pay the Galphin debt, though they knew that the title to the Indian lands had passed upon express condition for its payment, as Galphin had expected, and as the Indians had expected, and, indeed, as the King of Great Britain, the appointed trustee as it were, had expected to be performed; but they also knew that nobody had realized anything from them up to that day, and they naturally sought out another paymaster, impelled, as they were, by their necessities, and impatient to receive their debt. For these reasons, they applied to the American commissioners for settling the treaty of peace with Great Britain, sitting in Paris in 1783, and claimed payment as for a debt due to American citizens by the British Government. It was, of course, rejected by the commissioners.

The House, on motion, adjourned.

FRIDAY, *July* 5, 1850.

When the House adjourned on Wednesday, I was on the point of stating a fact in the history of this claim which has not been noticed at all. It is this: that among the various efforts to procure the payment of this claim, there was an application made to the American Commissioners in Paris, who were there assembled for the purpose of arranging the particulars of the treaty of peace with Great Britain of 1783. The claim was laid before those Commissioners, on the ground that it was founded upon a cession of lands in Georgia by the Indians, which were charged with the payment of a certain debt in which the parties applying had an interest. The Commissioners determined that it was a matter which they could not entertain, but they referred it to the Congress of the United States, and John Adams, who was afterwards President of the United States, by a letter dated in July, 1783, informed the Congress of the United States, on the part of the Commissioners of peace, that such a claim had been made, that the Commissioners had no power in the case, and that it was referred to Congress without any expression of opinion for, or against, its justice.

Some gentlemen who object to the payment of interest upon this claim, as a primary claim against the United States, referring back to a period anterior to 1837-'38, when for the first time it was supposed to have been brought to the attention of Congress, will be pleased to bear this fact in mind as fixing a much earlier period. I desire it to be noted, that here is a statement under the highest authority, that this claim was brought to the notice of Congress in 1783, and therefore the objection is removed, which is urged against going back so far for the date from which interest should have been allowed, if the claim be viewed only as one against the United States. I have stated my opinion that the claim was primarily against Georgia, and secondarily against the United States. It became a claim against the United States, because the land which Georgia received, had been appropriated for a purpose that must be considered *national*, namely, the protection of the frontier of Georgia, of providing for the soldiers who had served in Georgia, and also for the continental troops, soldiers, sailors and marines. It is not easy to ascertain what precise amount of land was appropriated to the latter purpose; but there is no doubt, from the letter of Governor Schley to President Jackson in 1837, that a considerable portion of these lands were so appropriated, and it is believed *that these were of*

greater value than all that has been claimed and paid for principal and interest. So that after all, the United States had previously received in value, all they ever paid, or more. The claim may be therefore viewed as one against the United States, as a clear consequence of such appropriation of land by Georgia to the use of the nation; and the protection of her own frontier, and the rewarding of her own troops, may surely be considered as an outlay for the use of the nation, as much so as the rewarding of continental troops. The claim was always undoubtedly against Georgia, for the lands were beyond all question pledged for the payment and redemption of her debt to the Indian traders. These lands were in large quantity, of excellent quality, and were far more than sufficient in value to pay all that has ever been charged upon them as due to the Indian traders. We are now ready to give a right interpretation to the act of 1848, which becomes the prominent question in the discussion of the whole subject. What did that act purport? It will not do to say, that it was an act to pay only the debt of the United States, *if any should be found to exist*—because the United States could have no debt existing in 1773, the date fixed in the act, for that was prior in time to the formation of the Government. The debt provided for by the act of 1848, was that which resulted from the treaty of 1773, to which the United States was not a party; but the Indians and the Governor of the colony of Georgia. It must evidently have been so understood by all who looked into the matter, when the act of 1848 passed, that the debt of Georgia was intended to be paid, and the act specifies what particular debt it was—namely, the debt due to George Galphin under that treaty.

The last Congress cannot be supposed not to have known what they intended to do; on the contrary, from the report of the Senate committee, as well as from their own Journals, the House must have known what the claim was and what were its nature and amount. Their Journal showed that, by the report of the honorable Mr. Wise, in 1837, to the House of Representatives, the fact is stated that Galphin's claim was supposed to amount at that time, principal and interest, to one hundred and fifty thousand dollars, and it cannot therefore be doubted that the Congress which passed the act of 1848 knew what the claim was said to amount to in 1837 and 1838—for principal and interest—for that was a matter of their own public record.

If the act of 1848 then referred to Galphin's claim as to one thus understood, it is clear that it was intended that interest should be paid; for, if only the principal was to be paid, the law would have been so limited, as the amount of principal was also a matter of record. But the truth is, this debt could not be considered as paid, and fairly held to be cancelled; these lands could not be freed from the incumbrance fixed upon them, except by full payment of principal and interest. Any other conclusion would violate the first principles of justice and good faith.

It is said, however, that this Government *does not pay interest.* This, in my view, is founded entirely in error. There are occasions on which the Government does not pay interest, because interest is not due, nor would it be in such cases between individuals. The Government is supposed to be always ready to pay in the same manner as an individual who has made a tender, and, in such case, no interest is due from that time; but interest may be due before that time, and it is with the Government as with individuals, when the claim justly carries interest, interest must be paid. Any other conclusion could not meet with the approval of intelligent and honest men. Judge Story says explicitly, that the Government cannot be permitted to have one law for itself as creditor and another as debtor, and hence, interest is as much due from the Government as from individuals, when the debt is established as one to which interest applies. Those who say that interest is not, as a rule, payable by the Government, immediately add that there are exceptions; and these exceptions when examined, go entirely to prove the rule. In regard to the case to which this one bears a very near relation, and to which it is likened in the Senate report accompanying the bill, viz: the payment of the revolutionary claims of Virginia, it is seen that the act authorizing such payments, passed in 1832, does not say *one word about interest;* it merely directs the Secretary of the Treasury to ascertain and pay the amount of certain judgments that have been rendered against that State, and also the amount of similar claims which had not been prosecuted to judgment. These judgments as well as claims all were, and continue to be, paid with interest; and, by the same rule, the act of 1848 has been also construed to carry interest, and properly so, according to the Attorney General, for it is of a similar nature and purport. The State of Virginia had postponed the allowance of the claims for half pay due to her revolutionary soldiers, had refused to redeem the promises she had made to them, and this, too, for nearly as many years as Georgia had refused to pay the heirs of Galphin. But Virginia, at last, gave to the representatives of those soldiers the privilege of suing the State; and when the courts came finally to their decision upon those claims, judgment carrying interest from 1783, was rendered against the State of Virginia. Those judgments, with costs of suit, and similar claims not prosecuted to judgment but resting on like principles, were the subject, matter provided for by the act of Congress of 1832, and under that act, nearly or quite a million dollars—*nearly four fifths being for interest*—have been paid, as well for these judgments as for those claims not perfected into judgments, all carrying interest from 1783 to the time of their being paid; and yet to this day, no voice is raised against this course, nor is it denounced as a monstrous and dangerous innovation. Here we have the clearest evidence, that the State of Virginia has been in her own courts obliged to recognize that *governments do pay interest;* and the principle is equally clear—as established by the act of Congress of 1832—that the United States are not exempted, but when paying the debts of Virginia, *do also pay interest*, and that, too, from 1783 to the present day, some sixty to seventy years; and Galphin's interest *is only eight years more.* Payment, under the act of 1832, of interest for sixty to seventy years, may be daily made in the Virginia cases; and it is all right and without objection; but against a like payment for Georgia's debts, a hue and cry is raised. Such is partisan justice.

Besides the laws of 1832 and 1848, there are other similar laws; for instance, under the laws

of 1839 and 1846, for refunding duties which have been overpaid, the practice of the Government is *invariably to pay interest upon the amount of money so overpaid;* and yet *not one word is said about interest in these laws.* What becomes, then, of that plea of arbitrary power, which is contained in the dogma, that *Government never pays interest?* And what becomes of the objection to the payment of interest to Galphin, from 1775, when it is paid to Virginia from 1783? And what becomes of the resolution of the select committee—which I opposed—that the interest to Galphin has been paid without authority of law, and contrary to precedent? I say, fearlessly, that Government pays interest where interest is properly due; that this is the rule of justice, of equity, and of honesty; and prevails over the civilized world, and should be especially the rule of the enlightened Government of the United States.

Now, Mr. Speaker, I wish to add a few words on the subject of precedent. It has been broadly asserted that there is no precedent to justify the allowance of interest. If the Virginia cases which I have been citing, and the laws of 1839 and of 1846 are not a precedent, then, I confess, I do not know what precedent is. But it is quite sufficient for me. It covers the whole ground that I contend for. It concedes quite as much as I need to uphold the utmost limit of my argument. But Mr. Walker, the late Secretary of the Treasury, says in his evidence before the committee, that he did not recollect a similar case, and added, that the language of the law of 1848 is more imperative than usual. Now, sir, I do not regard it as more or less imperative than those which provided for the poor soldier of Virginia, or for refunding overpaid duties. These meet the whole case. One is as imperative as the other—the act of 1848 as much so as the act of 1832; and neither of them contains a word about interest. Let that be well remarked, as leaving free the action of the Secretary of the Treasury who is to decide. But, sir, there is another precedent in this very case, to which I ask the attention of the House. It is one which must commend itself to the House, to its admiration as well as to its reason, as it must to every ingenuous mind. It is that of the Creek and Cherokee Indians, that poor, deserted, persecuted race. These Indians, sir, borne down with the weight of debt, besought the King of Great Britain in 1773, then their Great Father, that they might be permitted to surrender to him a large portion of their lands, for the purpose of discharging their obligations to the Indian traders. Yes, sir, these poor Indians gave up these lands, where they were born—their play-grounds when children, their hunting-grounds when men—aye, and what an Indian doubly prizes, the graves of their fathers. Those fair and fertile, and dearly prized fields they cheerfully surrendered, in order to redeem themselves from debt, evincing in a touching manner their self-devotion in the great purpose of redeeming themselves from debt. Who does not admire this conduct? I commend this precedent as an exhibition of the principles of the highest honor in the untutored bosoms of these children of the forest. It is a precedent that overrides all the technicalities of law, and the unfounded objections of political partisans. Yet Georgia, into whose possession these lands fell, relaxed not her hold upon them for the purposes of their cession, and refused to appropriate any part of them in payment of the debt to Galphin, which still rested as a mortgage upon them. We have been told of Galphin's lien vanishing before the sovereignty of Georgia, of confiscations and seizures, and other technicalities, as applicable to the laws of rebellion and civil war, but they surely have no application here. No confiscation or seizure is pleaded. Georgia acquired the lands by conquest from Great Britain. They came to her as they left Great Britain's hold—*charged with the debt to Galphin*—a just, acknowledged, and recorded debt; and no part of them has been used to redeem that debt, and no sophistry can avail in cancelling that debt short of its payment—principal and interest—and this is the debt assumed by the United States—and can they pay less?

I now desire to say a few words in regard to the members of the Cabinet. Mr. Walker, late Secretary of the Treasury, to whom the examination of this case was referred, is doubtless and justly to be considered good authority in the case. He tells us that he paid the principal at once, and left the question of interest open and unadjusted. He had not allowed it, because he had but insufficiently examined it. He had no satisfactory report from the accounting officers, and he was in doubt on the subject; although his impression was against allowing interest. He says, that if at that time he had seen such an opinion as has now been given by the Attorney General, it would have produced in his mind an impression much more favorable to the claim for interest than he had before; and, moreover, that if such an argument had been presented to him, he would have submitted the case to the Attorney General, and *if he had given an opinion favorable to the claim for interest, he thinks he would have allowed it.*

How does this testimony make the case stand? Does it not show that the course pursued by Mr. Meredith is precisely such as Mr. Walker would have pursued? and although I feel confident that Mr. Meredith understands his duty as well as any one, it may enable some of our political opponents to compare it with what their friend Mr. Walker would have done; and then let them judge accordingly. It has been mainly objected, by gentlemen on the other side, that Mr. Crawford entered the Cabinet holding a large contingent interest in this claim, which was to be settled by members of that Cabinet; and that he might have used undue influence in procuring a favorable settlement of it. I am certainly of opinion, that as a point of delicacy and propriety, it would have been better that Mr. Crawford should not, under these circumstances, have taken office in General Taylor's Cabinet.

It must be also remembered, that Mr. Walker testified, that Governor Crawford, and his friends in his behalf, made an urgent appeal to him to dispose of the question of interest before the new Administration came in; which, for want of time, he was unable to do. This proved, on the part of Governor Crawford, an entire reliance upon the naked merit of this claim, under its examination and adjustment even by a strong political opponent. It also showed a desire to avoid the difficulty, in assuming his new position in the Cabinet with this claim unsettled. Yet it is unequivocally clear, from all the testimony, (and that was pointed and particular, in this respect,) that Governor Crawford never availed himself of his official posi-

tion, or of the social relations it established between himself and the other members of theCabinet.

But these gentlemen must curb their disposition to find fault, and remember that this course is not without example, for Mr. Forsyth occupied the place of Secretary of State in General Jackson's Cabinet, being a *feed attorney*, with a *contingent interest* in this very Galphin claim, in 1837; nor did General Jackson, nor did any one, in or out of Congress, ever bring this fact as a charge of impropriety or indelicacy against Mr. Forsyth; nor did Congress bring it forward as a charge against General Jackson as President. In that case, to be sure, the claim was not before members of that Administration for settlement, and in that respect was not *identical*, although very similar; for Mr. Forsyth, upon the plea of his personal and important pecuniary interest in the claim, urged upon other members of the Cabinet to use their influence to procure a clause to be inserted in the treaty of New Echota, made with the Cherokee Indians in 1835, for the payment of this claim; and he sought to prevail upon Senators to vote for that clause. It was so admitted, but that part of the treaty was rejected by the Senate, notwithstanding all those efforts, as appears in full detail in the report to the House of Representatives by the honorable Mr. Wise in 1837–8. Here is a parallel, hitherto unnoticed, to influence a similar determination of this case. And what is equally important, it is proved that the Secretary of the Treasury and the Attorney General were not aware, until this claim had been adjudicated and paid, that Governor Crawford had any interest in it. Can the House, then, resist the clear and cogent conclusion, that this claim was considered, examined, and settled, by those members of the present Cabinet whose duty it was to do so, *precisely, and in the same manner as if Governor Crawford had not been a member of that Cabinet?* Does not this relieve the whole subject from the incubus which has hitherto weighed upon it? And does not the consideration of the justice and equity of the payment of this claim, principal and interest, thus become free from its main difficulty? And is not the conduct of the Secretary of the Treasury and of the Attorney General placed in its true and fair light, and free from the slightest taint or suspicion? In my view, all this is clearly made out, and this House ought to affirm that the claim was founded in justice, that it has been properly paid, and that the conduct of the Cabinet is fully and completely justified; yet such will not be its decision, let the case hereafter be disposed of as it may; indeed, resolutions of censure have been proposed, and will probably be carried, one particularly against Governor Crawford's conduct, notwithstanding all the exoneration afforded him by the majority report of the select committee.

I object to these resolutions, remedial only in purpose, but censorious in fact. This is not the time for their adoption. The select committee have decided that there is no fault to be found with Gov. Crawford's personal and official relations to this claim; and yet honorable gentlemen opposite—and I am sorry to say, some of my own political friends, too—desire to vote against such decision of the committee. Now, this would be speaking somewhat with a *forked tongue;* for such a vote would convey a contradiction of the proof before the committee, and a censure upon Governor Crawford. Perhaps the gentlemen opposite do not perceive, also, that this censure would relate back to Mr. Forsyth and General Jackson. And as that precedent has slept so long, it may as well remain undisturbed. It will not occur again. I shall agree to no vote of censure upon any one, as growing out of this transaction. The moment selected for making it would, in my judgment, lend it an undeserved force and increased sharpness.

Some gentlemen, too, in their great hurry to make an impression on the public mind, have stated that they have "got the Administration upon trial." Let us look at this boast. Who passed the act of 1848? A Democratic Senate. This House, to be sure, was Whig, but there are sixty members of that House, now in their seats here, who can answer for themselves, as to their course in respect to this act. A Democratic President approved the bill, and a Democratic Secretary of the Treasury paid the principal of the claim. Five of the gentlemen on the committee say now, this was no claim against the United States, and of the five three were members of the last Congress, which passed the bill. Why did those gentlemen vote to pay this claim? They are placed in a position, in which they must admit, either that this was a claim against the Government of the United States, or that they voted very indiscreetly, to pay what they did not owe; or that if they endorsed Georgia, they meant to pay as Georgia owed. Thus, sir, this trial of the Administration turns out to be neither more nor less than an arraignment of some sixty of our own members, all of the Democratic Senate, besides President Polk and Secretary Walker. Mr. Speaker, I commend them to the clemency of the court.

Trial of the Administration! If this means a trial of the President of the United States, why he had nothing to do with this matter. He had nothing to do with the law of 1848, nor with the character of the claim, nor with the amount of interest which Mr. Crawford held in it. His letter,annexed to the report of the committee, on this subject, relates back to a misunderstood conversation with Governor Crawford. No political capital can be made by an opponent out of that letter, when fairly understood. It winds up, too, with a noble sentiment which must commend itself to the sanction of all men—that "if the claim was a just one under the law of Congress, it should have been paid, no matter who were the parties interested in it; *that this was due to the credit and good faith of the Government.*" Who will contradict the President upon this declaration?

My closing summary will be short. I trust I have been able to show that, first, the claim of Galphin's representatives was good, *primarily*, against Georgia, yet *secondarily* and substantilly, against the United States; and in either case, that it would not be equitably extinguished except by the payment of principal and interest.

Secondly, that the act of 1848 assumed the debt of Georgia as she was bound to pay it, in addition to the liability secondarily of the United States; thus rendering it *doubly imperative* on them to pay principal and interest.

Thirdly, that even if the United States do not pay interest on their own debts, (which is strenuously denied, and, as I think, clearly disproved,

besides being most unjust,) yet when they assume to pay another's debt, they can claim no exemption from interest, as if the debt were their own; unless they can show that such other debtor had the same exemption from paying interest; but like any other endorser, they must pay according to the tenor of the contract or debt which they have endorsed or assumed to pay.

Finally, that the decision upon this claim has been made *precisely as if Governor Crawford had not been a member of the Cabinet of General Taylor.*

If this summary is established, the whole case may be confidently left to the people, whose *award* will sanction all that I have contended for, and will assuredly cause *the right to prevail.*

Printed at the Congressional Globe Office.